

## **REMARKS**

### **Claim Rejections**

Claims 13- 15 are rejected under 35 U.S.C. 112, second paragraph. Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi et al. (2004/0238832).

Claims 1-3 are allowed.

### **Amendments to Specification**

Applicant has amended the Specification as noted above to provided a title that is more descriptive of the claimed invention. It is believed that the foregoing amendments to the Specification overcome the outstanding objections thereto. No "new matter" has been added to the original disclosure by the foregoing amendments to the Specification.

### **Abstract of the Disclosure**

Applicant is submitting a substitute Abstract of the Disclosure for that originally filed with this application to more clearly describe the claimed invention. Entry of the Substitute Abstract of the Disclosure is respectfully requested.

### **Drawings**

It is noted that the Examiner has accepted the drawings as originally filed with this Application.

### **Claim Amendments**

By this Amendment, Applicant has canceled claims 4-12 and 16-24, and has amended claims 13-15 of this application. It is believed that the amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The cited reference to Takahashi et al. teaches a production method for a semiconductor light-emitting device including a lower temperature buffer layer

(1201), an N-type buffer layer (1203), a cladding layer (1204), an intervening lower optical layer (1205), an active layer (1206), a GaN optical waveguide layer (1207), and a cladding layer (1208). Takahashi et al. use two optical waveguide layers (1205, 1207) to cover the active layer in two directions, unlike the present invention that uses only a single layer.

Takahashi et al. do not teach wherein the light-emitting structure between the n-type DBR and the p-type DBR includes the n-GaN based layer formed directly on the n-type DBR, the MQW active layer formed directly on the n-GaN based layer, and the p-type DBR forming the formed directly on the MQW active layer.

Applicant submits that Takahashi et al. do not disclose, or suggest any modification of the specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Thus, it is not believed that Takahashi et al. render obvious any of Applicant's amended claims under 35 U.S.C. § 103.

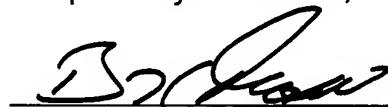
### **Summary**

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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By:



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